HB243
140735-3
By Representatives Collins, Harper, Hubbard (J), Brown, Henry,
Long, Wallace, Patterson, Lee and Chesteen
RFD: Economic Development and Tourism
First Read: 09-FEB-12
ENROLLED, An Act,

Relating to the entertainment Industry Incentives Act of 2009; to amend Sections 41-7A-43 and 41-7A-45, as amended by Act 2011-695 of the 2011 Regular Session, and Section 41-7A-48 of the Code of Alabama 1975, to increase the maximum expended amounts beyond which rebates would not be allowed and increase the annual cap for incentives allowed during any fiscal year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-7A-43, as amended by Act 2011-695 of the 2011 Regular Session, and 41-7A-48 of the Code of Alabama 1975, are amended to read as follows:

"§41-7A-43.

"(a) Beginning January 1, 2009, a qualified production company shall be entitled to a rebate for production expenditures, as defined in subdivision (7) of Section 41-7A-42, related to a state-certified production. The rebate shall be equal to 25 percent of the state-certified production's production expenditures excluding payroll paid to residents of Alabama plus 35 percent of all payroll paid to residents of Alabama for the state-certified production, provided the total production expenditures for a project must equal or exceed at least five hundred thousand dollars ($500,000), but no rebate shall be available for
production expenditures incurred after the first ten twenty million dollars ($10,000,000) ($20,000,000) of production expenditures expended in Alabama on a state-certified production.

"(b) A single episode in a television series or miniseries may be considered a single production project for purposes of this section. However, in determining the total production expenditures incurred by a qualified production company on a qualified production, the total production expenditures of a television series or miniseries, whether a single season or multiple seasons thereof, to be filmed within a period of 12 consecutive months, each individual episode of which separately and independently meets the definition of a qualified production, may be aggregated to meet the monetary requirements set forth in subsection (a) as long as each individual episode within the series pertains to the same subject as the other episodes in the series.

"(c) A single commercial may be considered a single production project for purposes of this section. However, in determining the total production expenditures incurred by a qualified production company on a qualified production, the total production expenditures of a series of commercials to be filmed within a period of 12 consecutive months, each of which separately and independently meets the definition of a qualified production, may be aggregated to meet the monetary
requirements set forth in subsection (a) as long as each
individual commercial within the series pertains to the same
subject as the other commercials in the series and was planned
as part of a series of commercials to be filmed within a
period of 12 consecutive months at the time the qualified
production company applied for the incentives.

"(d) A qualified production company shall be
entitled to the rebate for production expenditures as provided
in subsection (a) for a qualified project that is limited only
to the production of a soundtrack used in a motion picture or
documentary, provided that the production expenditures for the
soundtrack project must equal or exceed at least fifty
thousand dollars ($50,000), but no rebate shall be available
for production expenditures incurred after the first three
hundred thousand dollars ($300,000) of production expenditures
expended in Alabama.

"(e) A qualified production company shall be
entitled to the rebate for production expenditures as provided
in subsection (a) for a qualified project that is limited only
to the production of a music video, provided that the
production expenditures for the music video equal or exceed
fifty thousand dollars ($50,000), but no rebate shall be
available for production expenditures incurred after the first
two hundred thousand dollars ($200,000) of production
expenditures expended in Alabama.
"(f) The rebate described in this section may be applied to offset any income tax liability applicable to a qualified production company for the tax year in which production activity in Alabama on the state-certified production concludes.

"(g) The Commissioner of the Department of Revenue and the office shall promulgate rules necessary to administer this section.

"§41-7A-45.

"A qualified production company that intends to expend in the aggregate one hundred fifty thousand dollars ($150,000) or more in connection with a qualified production in the State of Alabama within a consecutive 12-month period, upon making application for, meeting the requirements of, and receiving written certification of that designation from the office, shall be exempted from the payment of the state portion, but not the local portion of sales, use, and lodging taxes levied pursuant to Sections 40-23-2, 40-23-61, and 40-26-1, respectively, on production expenditures expended in Alabama in connection with the state-certified productions. The exemption provided by this section shall not be available for production expenditures incurred by a qualified production company after the first ten twenty million dollars ($10,000,000) ($20,000,000) of production expenditures expended in Alabama on a state-certified project."
"$41-7A-48.

"For the fiscal years year ending September 30, 2009, the aggregate cap of incentives granted under this article shall not exceed five million dollars ($5,000,000) for all qualified production companies. For the fiscal years year ending September 30, 2010, the aggregate cap of incentives granted under this article shall not exceed seven million five hundred thousand dollars ($7,500,000) for all qualified production companies. For fiscal years ending September 30, 2011, and September 30, 2012, and for all subsequent fiscal years thereafter, the aggregate cap of incentives granted under this article shall not exceed ten million dollars ($10,000,000) for all qualified production companies. For the fiscal year ending September 30, 2013, the aggregate cap of incentives granted under this article shall not exceed fifteen million dollars ($15,000,000). For the fiscal year ending September 30, 2014, the aggregate cap of incentives granted under this article shall not exceed fifteen million dollars ($15,000,000) and for all subsequent fiscal years thereafter, the aggregate cap of incentives granted under this article shall not exceed twenty million dollars ($20,000,000) for all qualified production companies."

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 28-FEB-12, as amended.

Greg Pappas
Clerk

| Senate | 10-APR-12 | Amended and Passed
| House  | 10-APR-12 | Passed, as amended
| Senate | 12-APR-12 | by Conference Committee Report

APPROVED: April 19, 2012

Alabama Secretary Of State
Act Num....: 2012-212
Bill Num....: H-243
Recv'd 04/19/12  01:53pmSLF

Page 6
I HEREBY CERTIFY THAT THE
RESOLUTION AS REQUIRED IN
SECTION C OF ACT NO. 81-889
WAS ADOPTED AND IS ATTACHED
TO THE BILL, H.B. 243

YEAS 18  NAYS 0

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE
NOTICE & PROOF IS ATTACHED
TO THE BILL, H.B. 243
AS REQUIRED IN THE GENERAL
ACTS OF ALABAMA, 1975 ACT NO.
919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees
Cozins
Harpers
Warren

DATE: 2-23 2012
RD 1 RFD F+TE

This Bill was referred to the Standing Committee of the Senate on

and was acted upon by such Committee in session and is by order of the Committee
returned therefrom with a favorable report
w/amend(s) __ w/sub 1 by a vote of

yeas 8 nays 0 abstain 0

this 41st day of __________ 2012

Chapperson

DATE: 3-22 20__
RF F AV S
RD 2 CAL

DATE: 20__
RE-REFERRED RE-COMMITTED ______
Committee

I hereby certify that the Resolution as
required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
HB 243

YEAS 24 NAYS 0

PATRICK HARRIS,
Secretary
<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td>2023-10-01</td>
</tr>
<tr>
<td>Jane Smith</td>
<td>2023-11-01</td>
</tr>
</tbody>
</table>

**Conference Committee**

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-123</td>
<td>2023-05-01</td>
</tr>
</tbody>
</table>

**Senate Committees**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
<td>2023-06-01</td>
</tr>
</tbody>
</table>

**Senate Action**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passed</td>
<td>2023-07-01</td>
</tr>
</tbody>
</table>